

HOLDOVER

APPLICATION NUMBER

5086

A REQUEST FOR

**USE VARIANCE TO ALLOW THE ADDITION OF A
COMMERCIAL (PRIVATE) DAY CARE TO AN EXISTING
CHURCH IN AN R-1, SINGLE-FAMILY RESIDENTIAL
DISTRICT; DAY CARES ARE ALLOWED IN B-1, BUFFER
BUSINESS DISTRICTS WITH PLANNING APPROVAL
AND BY RIGHT IN B-2, NEIGHBORHOOD BUSINESS
DISTRICTS.**

LOCATED AT

2700 FIRST AVENUE

(Northwest corner of First Avenue and Main Street)

APPLICANT

**KATT'S CHRISTIAN DAY CARE & CHILD
DEVELOPMENT CENTER**

OWNER

CHURCH OF GOD PENTECOSTAL

**BOARD OF ZONING ADJUSTMENT
JANUARY/2002**

The applicant is requesting an Use Variance to allow the addition of a commercial (private) Day Care to an existing church in an R-1, Single-Family Residential District; Day Cares are allowed in B-1, Buffer Business Districts with Planning Approval and by right in B-2, Neighborhood Business Districts.

The applicant states that the property is zoned residential and in order to be a licensed daycare (from the Alabama Department of Human Resources), they had to receive the appropriate approvals from the City of Mobile.

In addition, the applicant states that the current use of the property is for a church and that the daycare would not be in operation at the same time of church activities. The hours of operation would be Monday through Friday, 6:00 AM to 6:00 PM, the maximum number of employees would be 10, and the number of customers/visitors per day would be approximately 60. Also, the applicant states that the church had an existing daycare for a number of years and that it is closed at this time.

As illustrated on the Vicinity Map, the entire area is strictly residential and having a commercial use of this size would not be compatible with the residential neighborhood. The Board must consider the impact a childcare facility would have on the neighborhood, including an increase in traffic from both employees and customers.

As daycare facilities are high traffic generators, the staff contacted the Traffic Engineering Department to determine the traffic volume. According to software from the Institute of Transportation Engineers, the average weekday 2-way volume would be 312 cars. This information was based upon the maximum number of employees (ten) that the day care facility would be providing. As illustrated this would be a significant increase of traffic in a single-family residential neighborhood.

The applicant has submitted a revised site plan to include the playground area.

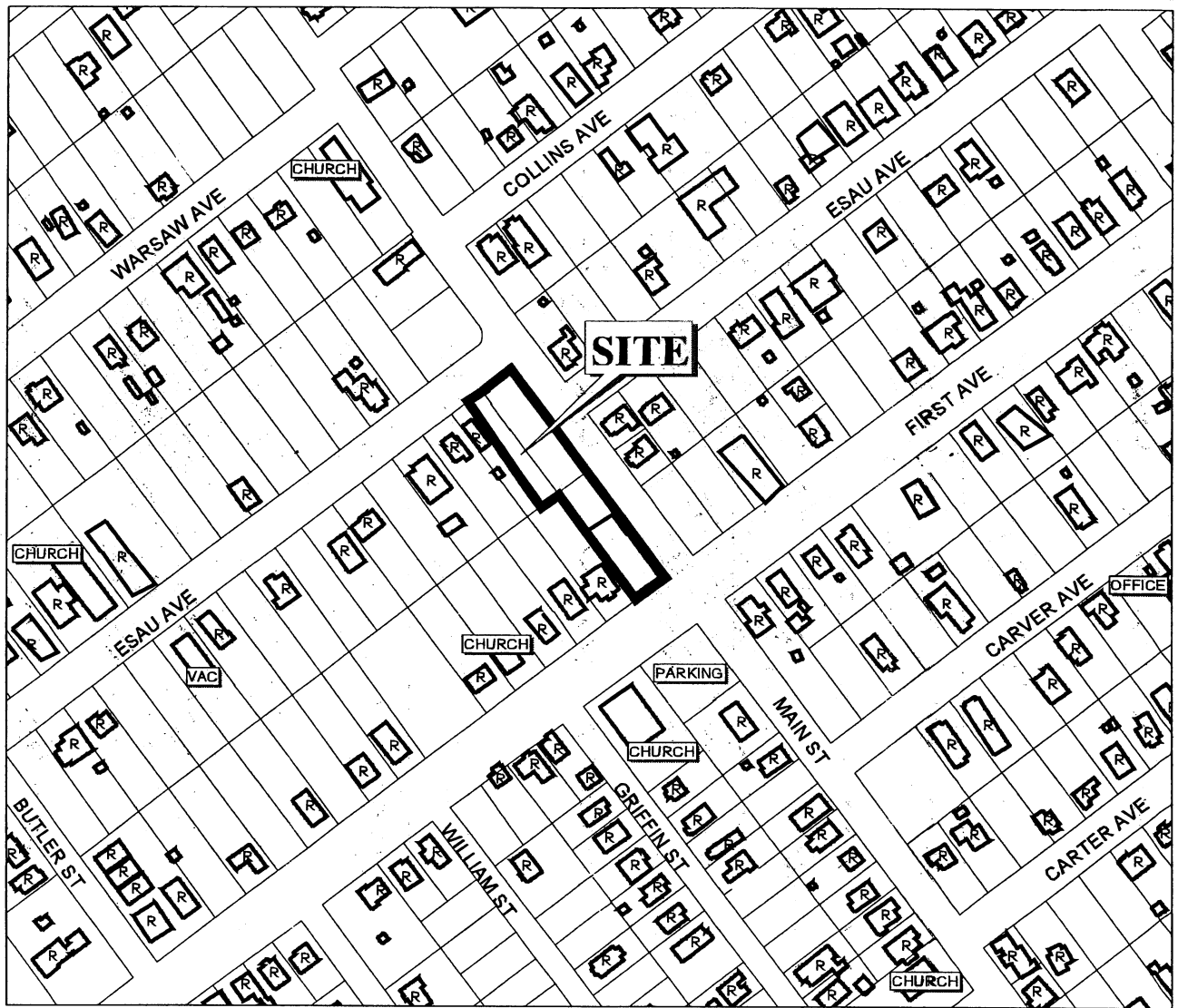
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship. The Ordinance also states that a variance should not be approved unless the spirit and intent of the Ordinance is observed, and substantial justice done to the applicant and the surrounding neighborhood.

RECOMMENDATION 5086

Date: January 7, 2002

Based upon the preceding, this application is recommended for denial.

BOARD OF ZONING ADJUSTMENT VICINITY MAP - EXISTING ZONING



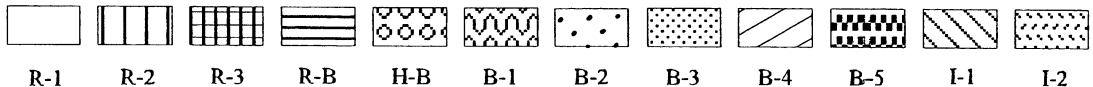
The subject property is surrounded by single family residential units and churches

APPLICATION NUMBER Holdover DATE February 4, 2002

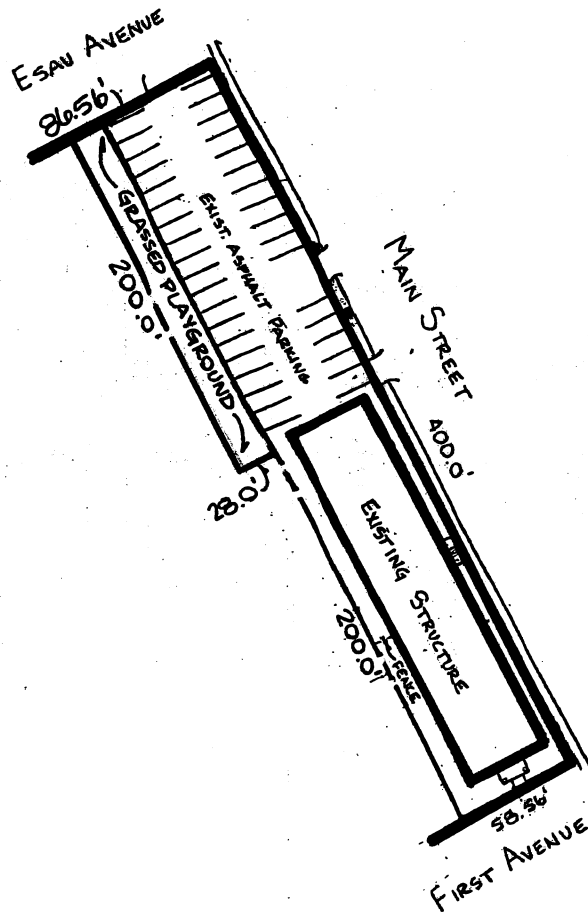
APPLICANT Katt's Christian Day Care & Child Development Center (Church of God Pentecostal, Owners)

REQUEST Use Variance

LEGEND



SITE PLAN



The site is located on the southwest corner of First Avenue and Main Street.
The site plan illustrates the existing structure and parking lot

APPLICATION NUMBER Holdover DATE February 4, 2002

APPLICANT Katts Christian Day Care and Child Development Center (Church of God Pentecostal, Owners)

USE/REQUEST Use Variance



NTS